

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 11/30/2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EMANUEL DELACRUZ, on behalf of himself and :
all others similarly situated, :

Plaintiff, :

1:18-cv-7463-GHW

-against- :

ORDER

ENERGY HEALTH & FITNESS CORP., d/b/a :
Energy Fitness, :

Defendant. :
-----X

GREGORY H. WOODS, United States District Judge:

On October 30, 2018, the Court issued an order conditionally discontinuing this action. Dkt. No. 12. Pursuant to the terms of that order, the plaintiff was provided the option to apply for restoration of the action to the active calendar of the Court by the date that was 30 days following the issuance of the order. In accordance with the terms of that order, if the plaintiff failed to apply for restoration of the case by that date, the case would be automatically dismissed with prejudice.

By letter dated November 28, 2018, the plaintiff has requested that the Court extend the deadline for the plaintiff to apply for restoration of the case to the Court's active calendar, or, alternatively, for the parties to submit a stipulation of settlement and dismissal.¹ Dkt. No. 13. That application is GRANTED. Accordingly, the deadline for the plaintiff to apply for restoration of the case to the Court's active calendar, or, alternatively, for the parties to submit a stipulation of settlement and dismissal, is extended to December 28, 2018.

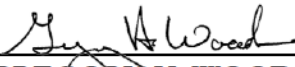
¹ As explained in Rule 4(D) of the Court's Individual Rules of Practice in Civil Cases, the Court will not retain jurisdiction to enforce confidential settlement agreements. If the parties wish that the Court retain jurisdiction to enforce the agreement, the parties must place the terms of their settlement agreement on the public record.

Plaintiff is directed to serve a copy of this order on Defendant, and to retain proof of service.

The Clerk of Court is directed to close the motion pending at Dkt. No. 13.

SO ORDERED.

Dated: November 30, 2018
New York, New York



GREGORY H. WOODS
United States District Judge